

**Amendment and Response under 37 C.F.R. 1.116**

Applicant: Mark Hirst, et al.

Serial No.: 10/685,322

Filed: October 14, 2003

Docket No.: 200309706-1

Title: IMAGE DEVICE COOLING SYSTEM

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**REMARKS**

The following remarks are made in response to the Non-Final Office Action mailed February 12, 2007. Claims 3-11, 13-15, 17-23, 25-33 and 35-47 are pending. Claims 3-7, 9-11, 13-15, 17-19, 21-23, 25-29, 31-33, 35-39 and 41-47 were rejected. Claims 8, 20, 30 and 40 were objected to. Claims 1, 2, 7, 12, 16, 19, 24, 29, 34, 39, and 45 have been cancelled without prejudice and claims 3, 8, 13, 20, 22, 25, 30, 35, 40, 44, and 46-47 have been amended. Claims 3-6, 8-11, 13-15, 17-18, 20-23, 25-28, 30-33, 35-38, 40-44, and 46-47 remain pending in the application and are presented for reconsideration and allowance.

**Claim Objections**

Claims 7, 8, 19, 20, 22, and 39 were objected to for including terms lacking proper antecedent basis. With this Response, claims 7, 19, and 39 have been cancelled, and claims 8, 20, and 22 have been amended such that the claim language has proper antecedent basis. Accordingly, Applicant submits that the claim objections no longer apply and request that they be withdrawn.

**Claim Rejections under 35 U.S.C. § 103**

The Examiner rejected claims 3-7, 9-11, 13-15, 17-19, 21-23, 25-29, 31-33, 35-39 and 41-47 under 35 U.S.C. § 103(a) as being unpatentable over JP 01-120342 ('342 Publication) in view of Suski U.S. Patent No. 5,419,780 ("Suski") and McLay et al. U.S. Patent No. 4,072,825 ("McLay").

With this Response, independent claim 3 has been amended to include the limitations of original dependent claim 7 such that independent claim 3 now recites, among other things, **a thermoelectric generator thermally coupled to the element to convert heat from the element to electrical energy, wherein a first surface of the thermoelectric generator is mechanically coupled and thermally coupled to a housing of the imaging device and a second surface is thermally coupled only to the element to thereby allow removal of the element from the imaging device.** The Examiner states that such limitations are described by the '342 Publication. However, Applicant submits that the '342 Publication, either alone or in combination with Suski and McLay, fails to teach or suggest such limitations.

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The '342 Publication describes a printing press having a drying apparatus 14 with burners 5 which dry printed paper 2. Exhaust gas generated by the drying apparatus 14 is sent to a deodorizing apparatus 3 where it is reheated by a burner 5 and subjected to a decompositional reaction by a catalyst to generate heated exhaust gas 8. A temperature difference between the heated exhaust gas 8 from deodorizing apparatus 3 and an open air flow 12 passing through an open air duct is converted to electrical energy by a thermoelectric converter 6. The '342 Publication describes the duct carrying the heated exhaust gas 8 and the open air flow 12 as being arranged so as to be brought into contact with the surface of thermoelectric converter 6.

The '342 Publication fails to even mention a housing in which the printing press is enclosed, let alone teach or suggest mechanically and thermally coupling a surface of the thermoelectric generator to such a housing. As such, the '342 Publication, either alone or in combination with Suski and McLay, fails to teach or suggest **a thermoelectric generator thermally coupled to the element to convert heat from the element to electrical energy, wherein a first surface of the thermoelectric generator is mechanically coupled and thermally coupled to a housing of the imaging device and a second surface is thermally coupled only to the element to thereby allow removal of the element from the imaging device**, as recited by independent claim 3.

In light of the above, Applicant respectfully requests that the rejection of independent claim 3 under 35 U.S.C. §103(a) be withdrawn and that independent claim 3 be allowed.

With this Response, independent claims 13, 25, 35, 44, and 47 have been amended to include limitations similar to those of independent claim 3. As such, for reasons similar to those described above with respect to independent claim 3, Applicant believes independent claims 13, 25, 35, 44, and 47 to be allowable over the cited references as well. Accordingly, Applicant respectfully requests that the rejection of independent claims 13, 25, 35, 44, and 47 under 35 U.S.C. §103(a) be withdrawn and that independent claims 13, 25, 35, 44, and 47 be allowed.

Additionally, dependent claims 4-6 and 8-11 further define patentably distinct independent claim 3, dependent claims 14-15, 17-18, and 20-23 further define patentably distinct independent claim 13, dependent claims 26-28 and 30-33 further define patentably distinct independent claim 25, dependent claims 36-38 and 40-43 further define patentably

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distinct independent claim 35, and dependent claim 46 further defines patentably distinct independent claim 44. As such, Applicant believes dependent claims 4-6, 8-11, 14-15, 17-18, 20-23, 26-28, 30-33, 36-38, 40-43, and 46 to be in allowable form, and respectfully requests that the rejection of these claims under 35 U.S.C. §103(a) be withdrawn and that dependent claims 4-6, 8-11, 14-15, 17-18, 20-23, 26-28, 30-33, 36-38, 40-43, and 46 be allowed as well.

**Allowable Subject Matter**

The Examiner objected to claims 8, 20, 30, and 40 for being dependent upon a rejected base claim, but as being allowable if rewritten in independent form including all limitations of the base claim and any intervening claims and if rewritten to overcome the 35 U.S.C. §112 rejections. Applicant agrees with the Examiner's conclusions regarding patentability without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicant believes that the claims are allowable because prior art fails to teach, anticipate, or render obvious the invention as claimed, independent of how the invention is paraphrased. However, Applicant respectfully requests that the Examiner hold the objections to claims 8, 20, 30, and 40 in abeyance until a decision is made regarding independent claims 3, 13, 25, and 35 from which these claims respectively depend.

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 3-6, 8-11, 13-15, 17-18, 20-23, 25-28, 30-33, 35-38, 40-44, and 46-47 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 3-6, 8-11, 13-15, 17-18, 20-23, 25-28, 30-33, 35-38, 40-44, and 46-47 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Gregg W. Wisdom at Telephone No. (360) 212-8052, Facsimile No. (360) 212-3060 or Steven E. Dicke at Telephone No. (612) 573-2002, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

Mark Hirst, et al.,

By their attorneys,

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